

August 30, 2013

To: Executive Board

Subject: **Revisions to Procurement Policies and Procedures**

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### **Recommendation**

Approve revisions to Foothill Transit's Procurement Policies and Procedures to reflect the most recent revised Federal Transit Administration requirements.

### **Analysis**

Foothill Transit's Procurement Policy and Procedures Manual was last approved by the Executive Board on August 26, 2011. At that time, the Manual was updated to incorporate the most current changes promulgated by the Federal Transit Administration (FTA). Recently, the FTA released a revision to its Third Party Contracting Guidance Circular (4220.1F). In order to comply with the FTA's new directives, Foothill Transit's existing Procurement Policies and Procedures need to be updated as follows:

- The recommended new Policy addresses Veterans Employment, and requires contractors that are working on capital projects using Federal assistance to give a hiring preference, to the extent practical, to veterans. The policy specifically states that the employer is not required to give preference to any veteran over any equally qualified applicant. This revision brings Foothill Transit into compliance with FTA guidance.
- The recommended revised Procedures address Instructions to Bidders and Proposers; Utilization of Cooperative Procurement Agencies; and Final Award.

Foothill Transit's current Instructions to Bidders and Proposers are silent regarding ambiguous responses. To remedy this, it is recommended that the instructions be revised as follows, consistent with the Federal Transit Administration recommendations:

#### Instructions to Bidders and Proposers

For each response to an invitation for bid, or a request for proposal, Foothill Transit reserves the right to request additional clarifying information before making an award, and also reserves the right to seek clarification from any bidder about any statement that is ambiguous in nature.

Foothill Transit's current Procurement Procedures allow for State and Local Intergovernmental Joint Purchase Agreements. They do not, however, provide for

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the use of private cooperative procurement entities. This results in a duplication of work to release competitive procurements that have already been released by non-governmental cooperative purchase agencies. To address this, it is recommended that the Procedures be revised as follows:

Utilization of Cooperative Procurement Agencies

The recommended procedure will permit the use of private cooperative procurement entities on non-Federally funded projects only, for the procurement of common goods or services.

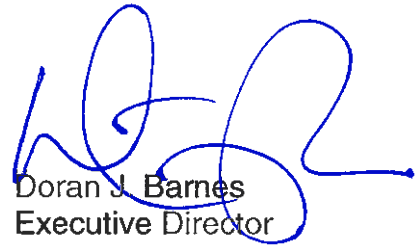
Final Award

The current procedures require the execution of five original signed copies of each contract. In consultation with Foothill Transit's Special Counsel, it has been determined that only two original copies are required. The procedures are proposed to be updated to provide that two original copies of each contract will be executed, and that copies of the signed contract will be provided to legal counsel, the procurement file, and the Foothill Transit project manager.

Sincerely,



Bobby Magee  
Director of Procurement



Doran J. Barnes  
Executive Director